

Board of Adjustment

Minutes

November 16th, 2016

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, November 16, 2016. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS DANIEL TRENK, LOUIS DE STEFANO, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS PAUL GRAUPE AND KEITH LA FORGIA.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the November 2, 2016, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. YESHIVA KTANA OF PASSAIC, INC.,
Variances; 288, 292, 296, 300 & 304 South
Use Parkway, Block 59.01, Lots 8, 11,
Variance 13, 15 & 17 – R-B2 – Appeal or
application for a use variance required
to permit the demolition of the

existing houses on the lots listed above and the construction of a parking lot thereon to service the abutting Yeshiva Ktana school in the City of Passaic; and bulk variances required for front yard setback (25 feet required, 6 feet proposed), side yard setbacks (20 feet required, 6 feet proposed), rear yard setback (35 feet required, 0 feet proposed), fence height and open space (4 feet 50% open fence permitted maximum, 4 foot high solid wall with 6 foot high 50% open fence in front of wall proposed), parking and maneuvering in front yard, parking within 10 feet of the rear line and failure to provide interior lot landscaping, and any other variances that may be determined by the Board to be required.

AS PUBLISHED AND UPDATED BY APPLICANT:

The Property (approximately 0.737 acres) is located within the R-B2 Residential Zone District (“R-B2 Zone”) and is currently improved with 5 residential dwellings, 4 of which are owned by the Applicant and 1 of which is under contract of sale with the Applicant. Applicant seeks Preliminary and Final Site Plan Approval with associated conditional and/or use variance and other related waiver and variance relief for the construction and use of a parking area consisting of 73 +/- spaces, together with associated landscaping, fencing and other site enhancements, all accessory to the Applicant’s school facility, which is located in the City of

Passaic and is adjacent to the Subject Property. All vehicular ingress and egress is proposed to be through the Applicant's Property in Passaic, other than a 20' "clear" opening gate for emergency access from South Parkway (southwestern corner of property) for use by and as requested the Clifton Fire Department for emergency personnel. Certain other plan amendments have been made at the request of the Fire Department, including but not limited to installation of a new hydrant on school property, addition of a 4' wide swing gate in the southeastern corner of the property for emergency responder access (non-vehicular), provision for Knox paddocks for Fire Department perimeter area access and creation/labeling of a "fire lane – no parking" areas. The following additional variances are required for the proposed parking area, which is accessory to the inherently beneficial religious and educational school:

1. §461-47: fence along front and side property lines to rear of main structure to be no more than 4' height and to be 50% open – proposed: fence 6' height board-on-board construction with 50% open along side (note no building on Property), inclusive of the fencing and gates to be installed in two locations along the South Parkway frontage, as requested in location and design by the Clifton Fire Department;
2. §461-60(E): no parking to be located within front yard – proposed: parking within front yard setback;
3. §461-60(F): no parking to be located within 10' of rear line – proposed: parking within rear yard setback;
4. §461-60(J): no parking or standing of automobiles within front, rear or side yards in

residential districts – proposed: parking within front yard setback;

5. §461-60(N): parking lots in excess of 10,000 sf to provide interior landscaping (20 sf/space) - proposed: no interior landscaping but significant side and front perimeter buffer.

In addition to the foregoing described approvals, the Applicant will also seek approval for any and all variances, exceptions, waivers, and other incidental relief that may be required or deemed necessary by the Zoning Board of Adjustment after or during its continued review of this Application, together with any further relief that may be deemed necessary by the Applicant during the hearing process, including that which may be generated by way of revised plans and submission of same. Measurements, percentages and other calculations provided in this notice are in accordance with the development plans filed with the Application. Please note that to the extent plan and/or Application revisions are made during the hearing process, these measurements, percentages and other calculations will likely change, as may the associated relief required per the City Code. The Applicant reserves the right to amend its application accordingly.

This matter was previously continued without date pending receipt of response from applicant.

2. 206 CLIFTON PARTNERS LLC,
Use 206 Delawanna Avenue, Block 60.14,
Variances; Lots 13 and 33 – M-2 & M-3 – 1. Use
Variances variance under N.J.S.A. 40:55D-70d(1)
to permit multi-family residential uses
in the M-2 and M-3 zones whereas

residential uses are not permitted in these zones and a use variance under N.J.S.A. 40:55D-70d(6) to permit a building height of 46.33 feet whereas only 40 feet is permitted; 2. Preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 to allow a four (4) story, eighty (80) unit apartment building consisting of sixty-six (66) one-bedroom apartment units and eight (8) two-bedroom apartment units with a total of 146 off-street parking spaces (as required by and conforming with the Residential Site Improvement Standards); 3. In addition, applicant seeks bulk/dimensional variances under N.J.S.A. 40:55D-70c for the following:

- (1) to permit a lot area of 4.3 acres for buildings 41 to 80 feet in height within the M-3 zone whereas a minimum of 5 acres is required;
- (2) to permit a lot width of 125.5 feet whereas a minimum of 250 feet is required;
- (3) to permit a monument sign to be installed fifteen (15) feet from the front property line and within the front yard setback, whereas signs are required to have a 30 foot front yard setback;
- (4) to permit lighting levels in off-street parking areas to exceed 0.0 foot-candles at the property line;
- (5) to allow LED lighting for exterior lighting fixtures instead of the required high pressure sodium lighting;
- (6) to provide internal parking lot landscaping

less than the required 20 square feet for each proposed parking space; and
(7) to provide trees of 2 inch to 2.5 inch caliper which is less than the minimum 4 inch to 4.5 inch caliper required.

The applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the applicant or the Board, and which may arise during the course of the hearing process. A public hearing on this application was held by the Zoning Board of Adjustment ("Board") on May 18, 2016. [& June 15, 2016 and July 20, 2016]. A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway.

Steven R. Tombalakian, Esq., with offices at 629 Parsippany Road, Parsippany, New Jersey, appeared on behalf of the applicant. Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, and Glenn S. Pantel, Esq., with offices at 600 Campus Drive, Florham Park, New Jersey, appeared on behalf of the objector, 6W BP Opportunity LLC ("Stro").

Present and sworn on behalf of the applicant was Charles Thomas, Jr., of Bowman Consulting, 54 Horsehill Road, Cedar Knolls, New Jersey.

Also present on behalf of the objector was Hal Simoff of 2 Chunpike Road, Madison, New Jersey.

Chrmn Zecchino stated for the record that the matter was previously heard by the Board on May 18, 2016; June 15, 2016; and July 20, 2016 and held for inspection and decision; that subsequently, the objectors made a motion to re-open the hearing which was opposed by the applicant; that at a later date, the applicant did agree to re-open the matter, and the Board will re-open the hearing for further testimony.

Charles Thomas testified to revisions in the plan; that a modified driveway realignment to Delawanna Avenue has been made to the plan since the applicant was unable to obtain the consent of the adjacent property owner of Lot 25; that the originally depicted driveway alignment was capable of accommodating continued vehicular traffic from three industrial properties to the rear of Lot 25.

There was no cross-examination by counsel for the objector, and the applicant rested its case.

Glenn S. Pantel, Esq., attorney for Stro made an opening statement indicating that he intended to call as witnesses an acoustical engineer, a traffic engineer, a planner, and a civil engineer to show the Board that the site is not suitable for the proposed residential use and that the proposed residential use will negatively impact the objector's 24-hour operation, and there is a potential for tenant complaints regarding noise emanating from the facility.

Hal Simoff testified as a traffic engineer, and an exhibit prepared by him was offered for identification as "O-1" which is a site distance study and shows two photographs depicting Delawanna Avenue looking west at one of the proposed driveway locations and Delawanna Avenue looking east at another proposed driveway on Delawanna Avenue. Mr. Simoff testified as to his assessment for safety and circulation issues; that there is a need for improvement in light of the traffic movements associated with the operation of multiple driveways; that the required site distance, in his opinion, is 305.00 feet, and the available site distance is 203.21 feet; that there is approximately 111 feet of visibility; that the residential driveways should be 150 feet apart; that there is inadequate distance between the driveways; that in his opinion, the proposal from a traffic standpoint does not offer safe access and egress to the site.

On cross-examination by Mr. Tombalakian, Mr. Simoff stated that he did not review the applicant's expert traffic testimony; that he did not review any County Planning Board Minutes.

At this point in the hearing, Chrmn Zecchino stated that the matter would be continued until the January 4, 2017, meeting of the Board. Mr. Tombalakian, on

behalf of his client, did extend the time within which the Board is required to render a decision in the matter.

3.	JOELY ROSA T/A GRANDPA'S TREAT,
Use	288-290 Lakeview Avenue, Block 6.13,
Variance;	Lot 19 – B-C – Site Plan, Use, and Bulk
Variances	Variances, so as to permit a take-out ice cream shop in a retail store front. Conditional use approval required (take out restaurant is a permitted conditional use), as the existing building does not meet minimum lot requirements, building setback requirements or parking requirements. Site Plan approval required or a waiver granted for same as no work is proposed on this site.

Bennett Wasserstrum, Esq., with offices at 3 Botany Village Square West, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Michael Romanik, an architect and planner, with offices at 291 Crooks Avenue, Paterson, New Jersey; and the applicant, Joely Rosa of 290 Lakeview Avenue, Clifton, New Jersey. There were no objectors.

Mr. Romanik testified that the applicant requests site plan, use, and bulk variances to permit a take-out ice cream shop in a retail storefront at the subject premises; that a conditional use variance is required since a take out restaurant is a permitted conditional use; that there are pre-existing conditions—to wit, minimum lot, building setback, and parking requirements; that there is no work proposed at the site, and the applicant requests that site plan be waived; that the storefront was previously occupied by a vapor cigarette product retail business; that the variances are pre-existing, and the site has been in existence for many years with prior tenants and four residential uses; that the proposal conforms with the Lakeview Avenue mixed uses of commercial and residential.

Joely Rosa stated there will be two employees at the premises; that the hours of operation will be approximately 9 A.M. to 9 P.M., seven days a week and that sales would be limited to ice cream and soda.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the conditional use variance, site plan, and bulk variances with the condition that the premises be limited to sale of ice cream and soda beverages only. The motion was seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

NEW HEARINGS

1. **WOYCIECH AND EWA WILK, 226 Abbe**
Variances Lane, Block 33.05, Lot 2 – RA3 – Variances
required to expand the driveway:
 - 1) Driveway proposed to be 0' from right lot line where a minimum of 5' is required.
 - 2) Driveway proposed 3' into the front of the house, in an area not serving a garage.

Woyciech Wilk, residing at 226 Abbe Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Wilk testified that he requests variance approval to expand the driveway at the subject premises; that the driveway is proposed to be 0 feet from the right lot line where a minimum of 5 feet is required; that the driveway will also be extended 3 feet into the front of the house, in an area not serving a garage; that the purpose of the expansion is to take vehicles off the street.

There was some discussion by the Board concerning the erection of a 2-foot-high wall in front of the premises to prevent an automobile striking the dwelling house.

After a review of the testimony, Comr Stephen Christopher moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that a cinderblock wall or brick wall 2 feet high be erected which would be approved by the Building Department to prevent any cars striking the dwelling house. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

2. LOUAI KOURANI, 21 Dawson Avenue,
Variances Block 50.02, Lot 18 – RB1 – Proposed
 second floor addition requires the
 following variances:
 1) Front yard proposed at 22.5' where
 25' is required;
 2) Left side yard proposed at 3.88'
 where a minimum of 6' is required;
 3) Combined side yards proposed at
 12' where a minimum of 16' is
 required.

The applicant, residing at 188 Westervelt Place, Lodi, New Jersey, was present and sworn. There were objectors.

The applicant testified that he requests approval for a second floor addition at the subject premises located at 21 Dawson Avenue; that the front yard setback requirement is 25 feet, and he is proposing 22.5 feet; that the left side yard setback requirement is 6 feet, and he is proposing 3.88 feet; that the combined

side yard setback requirement is 16 feet, and he is proposing 12 feet; that the second floor will include three bedrooms and a bath.

After a review of the testimony, Comr Louis DeStefano moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

3.	eCUBe 237 LLC, 237 Dayton Avenue,
Use	Block 4.23, Lot 1.00 – PD1 – Application
Variance;	for the construction of a building
Minor Sub.	containing: Commercial and seven residential units, minor subdivision, use variance required for residential use in a PD1 zone and such other variances as may be required.

Bennett Wasserstrum, Esq., with offices at 3 Botany Village Square West, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey; and Neal Tanis of 12 Botany Village West, Clifton, New Jersey. There were no objectors.

Mr. Tanis testified that the premises in question is currently developed with a three-story masonry building and a parking lot; that the applicant proposes to subdivide the existing site and construct a 2,200 square foot 4-story mixed use building; that there will be retail and commercial space and one residential apartment on the ground floor; that there will be two residential units on each of the remaining three floors for a total of seven residential units; that all residential units will be two-bedroom units; that the single story drive-thru office on the south side of the building will be removed; that there is no parking requirement in the PD1 zone.

Vice-Chrmn Gerard Scorziello inquired as to whether the Board received a report from its planning consultant, Gregory Associates. Mr. Pogorelec indicated for the record that the Board did receive a report from Neglia Engineering; however, no report was received from Gregory Associates. Thereupon, Chrmn Zecchino stated that a report should be prepared by Gregory Associates, planning consultant for the Board, and the meeting would be carried until the January 4, 2017, meeting of the Board.

CONTINUED RESOLUTION

Chrmn Mark Zecchino stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda.

1. The Resolution GRANTING the application of THE LACKLAND COMPANIES for self-storage warehousing facility and for the rental of motor vehicles and bulk variances for building height, rear yard setback for ground signs, and curb cut at 196 Piaget Avenue, Block 10.17, Lot 20, was HELD UNTIL CERTAIN CONDITIONS OF NEGLIA ENGINEERING ASSOCIATES ARE MET. M-2

RESOLUTIONS

1. Upon motion made by Comr George Foukas, seconded by Comr Stephen Christopher, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of TURABDIN REALTY, LLC for preliminary and final site plan approval, use variance, conditional use variance, and bulk variances for number of parking spaces, parking located in front yard, maneuvering areas located in the front yard, parking and maneuvering areas within 10 feet of side lot line, maximum driveway width, driveway separation from intersection, and free-standing sign setback for a CVS Pharmacy with a drive-thru at 635 Lexington Avenue, Block 2.12, Lot 18 and 19, was adopted. RB1 and BC

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AL-3 PROPERTIES CORPORATION % ALAN LOPEZ for use variance for expansion of a non-conforming use, front yard setback, street side yard setback, and variance for free-

standing sign within front and side yard to renovate and expand an existing restaurant at 2 South Parkway, Block 60.05, Lot 17, was adopted. M2

COMMUNICATIONS

1. Proposed Legal Notice for 2017 with dates for Clifton Zoning Board of Adjustment meetings for review and approval by the Board. Chrmn Zecchino stated that the Board is in receipt of the schedule for meetings, and after review, action will be taken at the next meeting of the Board.

There being no further business before the Board, Comr Louis DeStefano moved to adjourn. The motion was seconded by Comr Stephen Christopher with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF NOVEMBER 16, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOELY ROSA T/A GRANDPA'S TREAT for premises known as: 288-290 Lakeview Avenue, Block 6.13, Lot 19 be and the same is hereby: GRANTED site plan waiver, conditional use variance, and bulk variances to permit a take-out ice cream shop in a retail storefront.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, November 16, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Roy Noonburg moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests conditional use variance, bulk variances, and a waiver of the site plan to permit a take-out ice cream shop in a retail storefront at premises located at 288-290 Lakeview Avenue, Block 6.13, Lot 19, which premises are located in a B-C zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant's expert and the applicant, has made the following factual findings:

- a. The premises in question is vacant at the present time;
- b. The subject premises was previously occupied by a vapor cigarette retail business;
- c. The existing building does not meet the minimum lot requirements, building setback, or parking requirements;
- d. The applicant requires a conditional use since a take-out restaurant is a permitted conditional use in the zone;
- e. There are four residential uses at the site;

f. The proposed ice cream shop conforms to the mixed uses on Lakeview Avenue;

g. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;

h. The applicant has satisfied the positive and negative criteria required for the grant of a use variance and conditional use variance;

i. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance, which is a mixed commercial and residential use; and

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application for a take-out ice cream shop in a retail storefront at premises located at 288-290 Lakeview Avenue, Block 6.13, Lot 19, be and the same is hereby approved and the use variance, conditional use variance, and bulk variances be and the same are hereby granted and site plan approval is hereby waived, subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD**

APPROVAL AND SUBJECT TO THE CONDITION THAT THE USE BE LIMITED TO
A TAKE-OUT ICE CREAM AND BEVERAGE USE.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR
AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE
OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON
AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL
HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF
REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr STEPHEN CHRISTOPHER.

Affirmed by: Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF NOVEMBER 16, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: WOYCIECH AND EWA WILK
for premises known as: 226 Abbe Lane, Block 33.05, Lot 2
be and the same is hereby: GRANTED variances to expand driveway to the property line and 3 feet into the front of the house.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, November 16, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Stephen Christopher moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to expand the driveway to the property line and 3 feet into the front of the house at premises located at 226 Abbe Lane, Block 33.05, Lot 2, which premises are located in a RA3 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant proposes to expand his driveway to the right lot line where a minimum of 5 feet is required;
- b. The driveway proposed will also be extended into the front of the house in an area not serving a garage of 3 feet;
- c. The purpose of the expansion is to take motor vehicles off the street;
- d. The applicant has stipulated that it would construct a wall 2 feet high in the front of the dwelling house approved by the Building Department to prevent any vehicles striking the house;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the proposal will take vehicles off the street and will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to expand the driveway to the right lot line and 3 feet into the front of the house at premises located at 226 Abbe Lane, Block 33.05, Lot 2, be and the same is hereby approved and the bulk variances be and the same are hereby granted subject to such further governmental approvals as may be required by law with the stipulation that the applicant, with the approval of the Building Department, erect a 2-foot-high cinder block or brick wall to prevent any automobiles striking the dwelling house.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr STEPHEN CHRISTOPHER.

Seconded by: Comr GEORGE FOUKAS.

Affirmed by: Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF NOVEMBER 16, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LOUAI KOURANI
for premises known as: 21 Dawson Avenue, Block 50.02, Lot 18
be and the same is hereby: GRANTED front yard setback, left side yard setback, and combined side yard setback variances for a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 16, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to add a second floor addition to premises located at 21 Dawson Avenue, Block 50.02, Lot 18, which premises are located in a RB1 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant proposes a second floor addition above the footprint of the first floor at the subject premises;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 22.5 feet; that the left side yard setback requirement is 6 feet, and the applicant is proposing 3.88 feet; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 12 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- d. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been no testimony presented to

show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a second floor addition at premises located at 21 Dawson Avenue, Block 50.02, Lot 18, be and the same is hereby approved and the bulk variances for front yard setback, left side yard setback, and combined side yard setback be and the same are hereby granted subject to such further governmental approvals as may be required by law.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

Affirmed by: Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.